

**REMARKS**

Claims 1, 3, 8-11, 13, 16, 19, 22, and 24-28 are pending in the present application. Of those, claims 1 and 8-11 are independent claims. Claims 1, 8-11, 16, and 22 are amended by this Response. New claims 24-28 are added by this Response.

**Claim Rejections under 35 U.S.C. § 112**

Claims 1-3 and 5-6 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner asserts that there is no support for “computer readable medium” in the claims. Applicant respectfully traverses this rejection.

Applicant respectfully submits that FIG. 21 clearly shows an optical disk recording and reproducing apparatus, and that one skilled in the art would readily recognize that an optical disk is a type of computer readable medium. Further, paragraph [0072] of Applicant’s specification discloses “The controller 10 also creates the navigation and management information for managing reproduction of the data being recorded on the optical disk. For example, based on information received via the user interface (e.g., instruction set saved on disk, provided over an intranet or internet by a computer system, etc.) the controller 10 controls the drive 3 to record the data structures of Fig. 5 on the optical disk.” Therefore, Applicant’s specification also discloses other types of computer readable mediums may be used, e.g., the internet, computer systems, etc. Accordingly, Applicant respectfully submits that “computer readable medium” is clearly supported.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

**Claim Rejections under 35 U.S.C. § 101**

Claims 1-3 and 5-6 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

The Examiner asserts that there is no computer component presented to permit the functionality of the material to be recognized. Applicant respectfully submits that claim 1 is amended to recite “A computer readable medium storing a data structure for managing reproduction of graphic data by a reproducing apparatus.” Accordingly, Applicant respectfully submits that, in the words of MPEP § 2106.01, claim 1 as amended is directed to “a data structure ...which impart[s] functionally when employed a computer component,” e.g., by the reproducing apparatus.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. §101 be withdrawn.

**Claim Rejections, Art Based**

Claims 1-3, 5, 8-10, 12-13, 15-16, and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo et al. (U.S. Pub. No. 2002/0006273, herein Seo) in view of Kim et al. (U.S. Pat. No. 7,072,401, herein Kim). Claims 6, 14, 17, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo and Kim and further in view of Kato (U.S. Pub. No. 2002/0006165). Claims 11 and 21-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo and Kim and further in view of the Examiner’s Official Notice. Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo, Kim, and the Examiner’s Official Notice, and further in view of Kato. Applicant respectfully traverses these rejections.

The Examiner asserts in the Response to Arguments section at page 2 of the current Office

Action that in Seo “The TP header includes a PCR is considered to be the graphic information for managing reproduction of graphic images (see figure 4, figure 5, paragraph [0035]-[0036]).” The Examiner already admits that Sea fails to disclose a transport packet including an arrival time stamp. Instead, the Examiner relies on Kato as teaching a transport packet including an arrival time stamp. Kato discloses at paragraph [0108] “As shown in FIGS. 5A, 5B and 5C, the arrival timestamp adding block 17 adds a header (TP\_extra\_header) including an arrival timestamp to each of the packets (FIG. 5A) of the input transport stream to generate a source packet.” (emphasis added). However, even assuming a combination of Seo and Kato, the combination fails to disclose that the graphic information is stored in a different transport packet from a transport packet storing an arrival time stamp. To the contrary, a combination of Seo and Kato would at best store the arrival time stamp in the header of a packet with the PCR of Seo. Further, as emphasized above, Kato discloses adding an arrival time stamp to each of the packets. Accordingly, a combination of Seo and Kato fails to disclose “at least one transport packet in the graphic segment includes an identifier that the transport packet is part of a graphics packet, the at least one transport packet in the graphic segment includes graphic information for managing reproduction of graphic images, and another at least one transport packet in the graphic segment includes an arrival time stamp of the graphic images” as required by claim 1.

Applicant respectfully submits that even assuming for the sake of argument a combination of Seo, Kim, and Kato (which Applicant does not admit), Kim fails to cure the deficiencies of Seo and Kato discussed above, and therefore, claim 1 is not rendered obvious by a combination of Seo, Kim, and Kato. Claims 8-11 contain features somewhat similar to those discussed above in regard to claim 1, and therefore, claims 8-11 are patentable for at least somewhat similar reasons as claim 1. Claims 3, 13, 16, 19, and 22, which depend from one of claims 1 and 8-11, are patentable for at least the same reasons discussed above in regard to claim 1 as well as on their own merits.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

**New Claims**

New claims 24-28, which depend from one of claims 1 and 8-11, are patentable for at least the same reasons discussed above in regard to claims 1 and 8-11 as well as on their own merits.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



Gary D. Yacura, Reg. No. 35,416

Aaron A. Mace Reg. No. 61,812

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/AAM